

DF

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

THOMAS K. SMALL, et al.,

03 Civ. 1872 (AR) (VP)

Plaintiffs,

- against -

**STIPULATION OF DISMISSAL**

GENERAL NUTRITION COMPANIES, INC.,

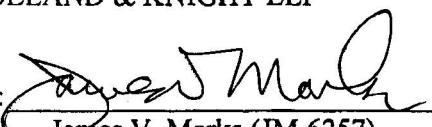
Defendant.

Plaintiffs and Defendant, by and through their respective attorneys, hereby agree to dismiss the instant action with prejudice pursuant to Rule 41 of the Federal Rules of Civil Procedure. Each side agrees to bear its own costs and attorneys' fees, and waives any right to appeal.

Dated: August 26, 2005

HOLLAND & KNIGHT LLP

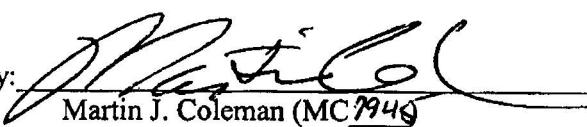
By:

  
James V. Marks (JM 6257)  
195 Broadway  
New York, New York 10007  
(212) 513-3200

Attorneys for Defendant

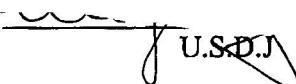
LAW OFFICE OF MARTIN J. COLEMAN

By:

  
Martin J. Coleman (MC 7946)  
48 South Service Road, Suite 100  
Melville, New York 11747  
(631) 465-2101

Attorneys for Plaintiffs

SO ORDERED:

  
U.S.D.J.